

Attachment (Ground One )

Ineffective Assistance of Counsel

- My attorney was ineffective for failing to preserve the the record during sentencing:
  - Description of the firearm found in the safe as a semi-automatic when there was no semi-automatic recovered from my safe or ever connected to me. I repeatedly explained to counsel that the only firearm that could have possibly been found in the safe was a non-working, late 1800's classic six shot revolver.
  - I was given a sentence extremely more excessive than any of my co-defendants. Additionally, I was sentenced according to actions and a position that had either never occurred or were extremely exaggerated or in some cases made up entirely.
  - My attorney repeatedly ignored my request to challenge or suppress the inclusion of specific evidence and any information obtained pursuant to said evidence.
- My attorney failed to effectively cross-examine government witness's which allowed an erroneous 2 point sentencing enhancement at sentencing.
- My attorney denied me my right to testify at sentencing.
- My attorney failed to properly inform me or prepare me with respect to my taking of a Plea Agreement. Thus causing an unknowing and involuntary waiver of my right to trial.

Attachment (Ground Two)

Illegal Search and Seizure

- My arrest was pursuant to an alleged moving violation which led to the search of my automobile, which I did not give consent to search. Upon being pulled over by Volusia County Sheriff's Deputies, for an alleged moving violation, I was removed from my automobile and separated from the other occupant. As the renter of the automobile I was asked if I would consent to a search of my automobile. I explained to the Deputies that I would not consent to the search at which point the Deputies departed from me and began to question the other occupant. After a few minutes the Deputies began a search of the automobile and requested the assistance of a Drug Inspection Animal. We waited approximately thirty minutes for the arrival of said animal. After the animal circled the automobile several times I was informed by Deputies that the animal had informed them of the detection of drugs in my automobile, even though at this time the drugs were located in a sealed "Candy Container" with plastic and kept inside a backpack in the back seat. These events are of significant importance. First, during the proceedings I was informed by counsel that prior to my arrest, I was under observation of Drug Enforcement Agents, DEA, on the day of my arrest in Florida. The DEA was in fact, in the process of "tailing me" when for some reason they lost track of my automobile. In an attempt to locate my automobile quickly they called for the assistance of Volusia County Sheriff's Department in the search of my automobile. It was the Deputies in their zeal to participate in a drug arrest, committed the traffic stop under false pretense, requested the Drug Search Animal and subsequently committed the illegal search. This was a complete failure to follow proper investigation and police procedure which led to the illegal confiscation of evidence. Secondly, this illegally obtained evidence was used to procure additional evidence and statements against me, which were subsequently used in the criminal proceedings against me.

Attachment (Ground Three)

Violation of Due Process

- I was dennied my right to testify at sentencing by my attorney I repeatedly requested the oppertunity to do so and was told I would be given the chance. The with no warning my attorney refused me this constitutionally protected right. I even requested an oppertunity to testify again when the DEA representative spoke about the firearm found which was a complete fabrication on his part, as revolvers do not posses any sort of "slide" action.
- I was denied the right to face my accusers as well as cross examine the people who alledged that I was in charge of certain aspects of the criminal concpiracy. These people had direct effect to the length of my sentence and I should have been allowed to face them at sentencing.